

Notice of Allowability

Application No.

09/617,600

Examiner

Ted T. Vo

Applicant(s)

DYE ET AL.

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/22/04.
2. ☒ The allowed claim(s) is/are 1-13, 15, 17-29, 32, 103, 104, 106, 108-134, 136 and 138-240.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 20040528.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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EXAMINER'S AMENDMENT

1. This action is in response to the Amendment after final filed on 4/22/2004. The Amendment is fully responsive to the allowance subject matter of the mailed Final office action (dated: 1/26/04). The independent Claims 1, 12, 19-20, 28, 103, 132, 158, 185, 209, 220, 226-227, 235, 237, and 239 are rewritten in independent form including all of the limitations of the base claim and any intervening claims, and overcome the closest art, Shaheen et al., "Remote Laboratory Experimentation", 1998.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Jeffery Hood on 5/27/04 an examiner's amendment to the record appears below.

3. In the Remarks filed on 4/22/04, page 47, Mr. Hood acknowledged the typographical errors should be corrected to make the record be clear as follows:

At lines 2 of section Remarks, after "16, ", insert: -- 33-73, -- .

At line 3 of section Remarks, after "amended." Insert: -- Claims 74-102 have been withdrawn. -- .

At line 3 of section Remarks, after "158-", delete "237" and insert: -- 240 -- .

At line 6 of section Remarks, after "138-", delete "237" and insert: -- 240 -- .

4. The application has been amended as follows to place the application in the condition for allowance:

a. In the specification, a new Abstract attaches hereto on a separate sheet.

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ABSTRACT OF THE DISCLOSURE

System and method enabling client computer(s) to connect to a server computer and receive a graphical program user interface panel(s) for providing input to and/or displaying output from the graphical program, thereby comprising a distributed virtual instrumentation system, wherein a block diagram executes on a server computer to perform a measurement or automation function, and the panel(s) is/are displayed on the client computer(s), enabling users to remotely view and/or control the function. The user may specify the server, i.e., by entering a URL into a web browser and may also specify the graphical program desired. The user interface panel may be dynamically updated during execution of the program. The user may interact with the panel on the client computer to provide input to the graphical program executing on the server, and may also request and receive a block diagram for the remote graphical program, e.g., to view and/or remotely edit the program.

b. In the specification:

in page 9, at line 13, after "09/185,161," insert: -- now U.S. Pat. No. 6,370,569, --.

in page 10, at line 24, after "Figures", delete "8 - 10" and insert: -- 8A-8B, 9A-9B, and 10A-10B --.

in page 12, at line 8, after "1997" insert: -- , now U.S. Pat. No. 6,173,438 --.

in page 12, at line 11, after "1997" insert: -- , now U.S. Pat. No. 6,064,812 --.

in page 12, at line 13, after "1997" insert: -- , now U.S. Pat. No. 6,102,965 --.

in page 12, at line 15, after "1998" insert: -- , now U.S. Pat. No. 6,437,805 --.

in page 12, at line 19, after "1998," insert: -- now U.S. Pat. No. 6,370,569, --.

in page 25, at line 29, after "09/185,161," insert: -- now U.S. Pat. No. 6,370,569, --.

c. In the Preliminary Amendment filed on 11/13/2000:

Page 1, at line 3 of the amended portion B1, after "1997," insert: -- now U.S. Pat. No. 6,173,438, --.

d. In the Amendment after final filed on 4/22/04:

In page 10, at the end of the page, please include a new line with: -- 33 -73. (Cancelled) --.

----- End -----

Reasons for Allowance

5. Claims 1-13, 15, 17-29, 32, 103-104, 106, 108-134, 136, 138-240 are allowed.

Closest art of record, Shaheen et al., "Remote Laboratory Experimentation", 1998, discloses Process Control and Automation Laboratory that allow a remote experiment where a user uses a panel to interact with experiment that is provided with output data sent from LabView programming environment executed by a LabView server. The teaching includes a browser receiving descriptions in image formats and HTML formats for displaying information received from server/remotely experiential execution.

However, Shaheen does not disclose sending output data for displaying in the user interface multiple times, and where the description such as panel display of the browser is not sent each time output data is sent.

Applicants amended the lacks in the Shaheen in the independent form including all of the limitations of the base claim and any intervening claims to overcome the closest art, Shaheen et al., as pointed out in the Remarks (Remarks: page 47).

Therefore, the following is an examiner's statement of reasons for allowance:

The cited prior arts taken alone or in combination fail to teach claimed invention to computer methods, systems, computer media for remotely accessing a graphical programming, comprising at least features,

send a description of a user interface portion of the graphical program to the client software, in response to receiving the request from the client software, wherein the client software is operable to process the description of the user interface portion in order to display a user interface illustrating the graphical program output; send output data from the graphical program to the client software for display in the user interface; wherein the program instructions are operable to send output data for display in the user interface multiple times, and wherein the description of the user interface is not sent each time output data is sent.

as recited in Claim 1, and in such manners as recited in independent Claims 12, 19-20, 28, 103, 132, 158, 185, 209, 220, 226-227, 235, 237, and 239.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (703) 308-9049. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned (703) 872-9306 (for formal communication intended for entry).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

TTV
May 28, 2004


WEI Y. ZHEN
PRIMARY PATENT EXAMINER